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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/658,238	09/08/2000	John C. Zurawski	073030.0136	3002		
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Baker Botts LLP 2001 Ross Avenue Dallas, TX 75201-2980			ENGLAND, DAVID E			
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			2143			
			DATE MAILED: 07/17/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/658,238	ZURAWSKI, JOHN C.		
Examiner	Art Unit		
David E. England	2143		

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THE REPLY FILED 24 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALL OWANCE. I To reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal To avoid abandonment of this application, applicant must limely file one of the following replies: (1) an amendment, affictavit, or other evidence, which places the application in condition for allowance: (2) a Notice of Appeal (with appeal tep) in compliance with 37 GFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 GFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires months from the mailing date of the Affiniar ejection. b) The period for reply expires on: (1) the mailing date of this Affiniary Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the Affiniary Action, and the period of reply expires and the control of the statutory period for reply expire and the statutory period for reply expire later than SIX MONTHS from the mailing date of the Affiniary Reply and SIRED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(i). Extensions of line may be obtained used 37 CFR 1.136(ii). The date on which the petition under 37 CFR 1.138(ii) and the appropriate extension fee was been applied to the date of purposes of obtenmining the period of extension and the corresponding amount of the fee. The appropriate extension fee set of the control of the section of the date of the purposes of obtenmining the period of extension and the corresponding amount of the fee. The appropriate extension fee set forth in 2 feet of the part of the date of filing a bride of the date of filing a bride of the date of filing a feet of the date of filing a bride of the date of filing a bride of the date of filing a bride of the date		David E. England	2143	
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a) The period for reply expiresmonths from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: [fbox 1 is checked, check where box (a) or (b), ONLY CHECK DOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.135(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in Mol Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any examed patent time adjustment. See 37 CFR 1.73(e), and prevail of the final rejection, even if timely filed, may reduce any examed patent time adjustment. See 37 CFR 1.70(a) CS. [3] The Notice of Appeal and seen filed, any reply received within the time period set forth in 37 CFR 41.37(e), and any reduce any sent of Appeal and seen filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e). [AMENDMENTS] [Amendment are new issues that would require further consideration and/or search (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or appeal, and/or appeal, and/or appeal and/or appeal and/or appeal and/or appeal and/or	this application, applicant must timely file one of the followal places the application in condition for allowance; (2) a Nota Request for Continued Examination (RCE) in compliance	wing replies: (1) an amendment, af otice of Appeal (with appeal fee) in	fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
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filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)). to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4 hamendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5 Applicant's reply has overcome the following rejection(s): 6 here is a proposed amendment(s): would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7 for purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) objected fo:	have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr ginally set in the final Off	iate extension fee ice action; or (2) as
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8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)				
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Continuation of 11. does NOT place the application in condition for allowance because: In Applicant's first remarks, it is stated in substance that Hasegawa fails to teach or suggest displaying a graphical representation of the claimed project definition in part because the project definition inclueds a plurality of function portions which each define at least one input port and aat least on output port. As to the first argument, the Applicant does not define what an output port or an input port could be in the claim language. All that can be determined is that the input port is a logical insertion of data at the start of a program, or project definition, and the output port is the end result of what the program, or project definition, would be. As can be seen in Hasegawa the "input ports" could be the different selections of backgrounds or different types of manipulations that can occur in the system as seen, for example, Figure 12, Item 1201-1203. The "output ports" could be, as broadly interested by the Examiner, the end results that are also shown in Firgure 12, i.e., the multiple backgrounds that could be used to manipulate the picture. This is all happening by the "project definition" or as stated by Hasegawa the "HUE/CHROMA" window.

In Applicant's Remarks, Applicant argues in substance that the references fail to teach or suggest automatically initiating execution of the project definition in response to a change to the image data in the data source. Applicant further states that, even assuming, that the statements made in the Office Action dated 03/24/2006 part 5, are accurate, the combination still fails to teach or suggest the claimed aspects because Claim 1 requires, "in response to a change to said image data in said data source," automatically initiating execution of the project definition.

As to the second argument, not only does the Examiner previous logic that was specified in the Office Action dated 03/24/2006, which is well known in the art, also read on the claim language the prior art of Hasegawa teaches the broad claim language, . If the Applicant were to draw their attention to column 18, line 7 et seq. one can see that when one parameter or project definition is change another project definition is automatically initiating execution in its response. Furthermore, when a user creates the desired effect on the controls and the user confirms this desired effect for the image, it is automatically initiated on the image, and the desired parameters or project definitions are used to change the original image data.

Furthermore, in regards to nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Examiner believes a "middle ground" can be reached with the Applicant in discusing possible amendment ideas and allowable claim language that would further prosecution and would not put an unnecessary restriction on the claim language, but will also overcome the prior art.

